

Hudson Valley Community College Workplace Violence Prevention Program

In accordance with the College's commitment to the prevention of workplace violence and the Workplace Violence Policy, Hudson Valley Community College adopts the following as its Workplace Violence Prevention Program (the "Program"):

1. Purpose

New York State has enacted regulations to address the serious threat of workplace violence to public sector employees. This Workplace Violence Prevention Program serves to demonstrate the College's compliance with those regulations, found in Article 2, Section 27-b of the New York State Labor Law and 12 NYCRR Part 800.6, provide information to the College community about preventing and responding to incidents of workplace violence and describe programs which will prevent or reduce the likelihood of threats or acts of workplace violence. The Program seeks to ensure that any incident, complaint, or report of workplace violence is taken seriously and dealt with appropriately.

Workplace violence is defined as any physical assault or acts of aggressive behavior occurring where an employee performs any work-related duty in the course of his or her employment, including but not limited to:

- a. An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;
- b. Any intentional display of force that would give an employee reason to fear or expect bodily harm;
- c. Intentional and wrongful physical contact with an employee without his or her consent that entails some injury; or
- d. Stalking an employee in a manner that may cause the employee to fear for his or her physical safety and health when such stalking has arisen through and in the course of employment.

2. Scope

All College employees are required to comply with the Program. In addition, since students and visitors to the College are required to conduct themselves in conformity with existing law, employees who observe or experience students or visitors engaging in violent or threatening behavior should follow the procedures in the Program for reporting such behavior.

3. Workplace Violence Committee

The Workplace Violence Committee, a Subcommittee of the College Safety Committee, consists of representatives from Public Safety, Human Resources, Environmental Health and Safety, Health Services, the Center for Access and Assistive Technologies and employee

representatives from each bargaining unit.

- a. The Workplace Violence Committee is chaired by the Director of Public Safety and reports directly to the College President
- b. A representative shall be designated by the President of each bargaining unit
- c. The Workplace Violence Committee sets the times and agendas for meetings and establishes sub-committees, as necessary, to fulfill the responsibilities set forth in this program.
- d. The Chair and members of the Workplace Violence Committee are listed in Appendix A of this program.
- e. The Workplace Violence Committee will meet at least annually and more often, as needed in order to accomplish the following:
 - i) Annual review of the contents of the Workplace Violence Program and appendices, including, but not limited to, risk factors and mitigating measures.
 - ii) Annual review of Workplace Violence Incident Reports to identify trends in the types of incidents in the workplace and review of the effectiveness of the mitigating actions taken.
- b. As a sub-committee of the College Safety Committee, the Workplace Violence Committee Chair will provide regular updates at College Safety Committee meetings.

4. Risk Evaluation and Determination

The Workplace Violence Committee or designated representatives must conduct an initial risk evaluation and determination, including the following elements:

- a. Record Examination - Examination of previous Employee Injury and Illness Logs, Public Safety Incident Reports, employee complaints and other relevant records that may concern workplace violence incidents to identify patterns in the type and cause of injuries.
- b. Administrative Risk Factors - Assessment of relevant policies, work practices, and work procedures that may impact the Workplace Violence Prevention Program.
- c. Evaluation of Physical Environment - A physical site evaluation of the College's workplace must be conducted to determine the presence of factors that may place employees at risk of workplace violence. Factors may include, but are not limited to:
 - a. Working in public settings;
 - b. Working late night or early morning hours;
 - i. Exchanging money with the public;
 - ii. Working alone or in small numbers;
 - iii. Working in a location with uncontrolled public access to the workplace;
 - iv. Areas of previous security problems

Each authorized employee representative organization with employees working in the area to be evaluated will be given advance notice, in writing, from the Chair of the Workplace

Violence Committee of the date(s) and time(s) of the site visit(s). Each authorized employee organization must be given the opportunity to designate a representative to participate in the site visit(s) by notifying the Workplace Violence Committee Chair in writing of the designated representative.

Following the physical site evaluation, the Workplace Violence Committee Chair will prepare a report of the findings, including a list of the risk factors identified during the physical site evaluation and recommendations on appropriate work practice control measures to address identified risk factors. A hierarchy of controls to which the program shall adhere as follows: engineering controls, work practice controls, and finally personal protective equipment. The report will be submitted to the President of the College or the President's designee for appropriate action. Copies of the report will be made available, upon request, to employee(s), their authorized representatives(s), and the New York State Department of Labor.

A record examination and review of risk factors will be conducted annually by the Workplace Violence Committee. Additional physical site evaluation/risk assessment evaluations will be conducted after an incident of workplace violence, as identified by the Department of Labor, if it is determined that a significant trend of workplace violence is identified or on a periodic review schedule to be determined by the Workplace Violence Committee.

The report of the initial Risk Evaluation and Determination is included as Appendix B to this program. Due to the sensitive nature of the report, it will not be made accessible in the online version of this program. Hard copies will be maintained in the Public Safety and Human Resources offices and are available to employees and their representatives upon request.

5. Risk Factors

The initial Risk Evaluation and Determination identified factors and work locations that might place an employee at risk and recommended engineering, administrative or personal protective equipment controls to eliminate or reduce workplace hazards.

Risk factors identified include:

- **Working in public settings or settings with uncontrolled access:** Most college buildings, including the open land / walkways / roadways of the Hudson Valley Community College Campus, have open access during days and evenings, with buildings locked down for the overnight. You must be always alert to the risk to your own personal safety and security and report any concerns immediately.
- **Working late at night:** Employees work into the night in certain buildings. This means that it will be dark outside when employees are leaving and there is always the risk of harassment,

stalking or a possible assault. Stay in well-lit areas, walk in groups, have a phone or know where the emergency phones are located. Contact Public Safety for security escort service.

- **Exchanging Money with the public:** There are several areas of the College where money is exchanged with the public. There is always a risk of theft in these areas and employees should always be aware of their surroundings.
- **Working alone or in small numbers:** There are some employees that are working alone or in small numbers in some buildings. Again, the risk of harassment, stalking or assault will be present and these employees should be alert to their surroundings and be able to call Public Safety for a security escort.
- **Working in areas of previous problems:** Occasionally there have been disruptive incidents in the Marvin library. Staff in this area are aware of the risk of disruptive students causing mischief or harassing others. A Public Safety officer is regularly assigned to this area.
- **Offices that handle stressful situations:** Certain offices may interact with upset or emotionally disturbed individuals. There is an increased risk of physical injury / assaults when interacting with these individuals. Employees in those areas should and do call Public Safety to assist them in these cases.

Additional risks, vulnerabilities and mitigation efforts are included in the report of the Risk Evaluation and Determination, Appendix B to this program. Due to the sensitive nature of the report, this Appendix will not be made accessible in the online version of this program. Hard copies will be maintained in the Public Safety and Human Resources offices and are readily available to employees and their representatives upon request.

6. Hierarchy of Controls

A hierarchy of controls to which the program shall adhere as follows: engineering controls, work practice controls, and finally personal protective equipment.

7. Employee Information and Training

All employees must participate in training on Workplace Violence Prevention at the time of initial employment and at least annually thereafter. Training will be updated and repeated whenever significant changes are made to the Workplace Violence Prevention Program. The training includes a general overview of workplace violence topics as well as New York State Department of Labor requirements and specific concerns identified on the Hudson Valley Community College campus. The training is administered through the WeComply learning management system and consists of an online module with slides and narration. The content is reinforced with quizzes, news articles, and video vignettes interspersed throughout the presentation.

The following outline provides an overview of the content:

1. Workplace violence prevention

2. Workplace violence definitions
3. Types of violence
4. Risk factors
5. Link between workplace stress and violence
6. Prevention methods
7. Security measures
8. Zero tolerance policy
9. Red flags
10. Dealing with a volatile situation
11. Prohibition of weapons in the workplace
12. Active shooter preparedness
13. Reporting Procedures
 - a. Policy violations – supervisor or HR
 - b. Imminent violent act – security or police
 - c. Retaliation – you will not be retaliated against for good-faith reports
14. Response Plan
15. Other elements
 - a. Respectful working environment
 - b. Responding to grievances or complaints
 - c. Employee Assistance Program
 - d. Conflict resolution
 - e. Job counseling for terminated employees
 - f. Recordkeeping of incidents.
16. HVCC-specific content:
 - a. New York State Workplace Violence Prevention Law
 - b. Definitions
 - c. Components of program
 - d. Written policy
 - e. Risk evaluation/tour
 - f. Written program
 - g. Annual Training
 - h. Reporting procedures
 - i. HVCC Committee
 - j. 2019 Identified risks and responses
 - k. How to report an incident
 - l. Notification of incidents
 - m. Measures to protect yourself
 - n. Signs of potential workplace violence
 - o. Actions to take when an active shooter is in your vicinity
 - p. How to obtain post-incident crisis counseling

8. Reporting Process/Procedures to Report Incidents of Workplace Violence

In order to maintain a safe working environment, incidents of workplace violence must be reported promptly to a supervisor and/or the Public Safety Department. The phone number of the College's Public Safety Department is (518) 629-7210. Members of the College community are also encouraged to report other behavior they believe may lead to potential workplace violence. Supervisors are required to report these incidents and concerns to Public Safety. After an incident occurs or upon receipt of a complaint, an investigation will be conducted by the Public Safety Department. Complaints involving the Public Safety Department will be investigated by the Office of Human Resources and the Vice President of Administration and Finance.

The College will use a form maintained by the Public Safety Department to record incidents of workplace violence. The Public Safety Department will maintain all records of initial reports and the results of any investigative reports relating to Workplace Violence at the College. As set forth therein, investigative reports must include:

- a. Workplace location where the incident occurred;
- b. Time of day/shift when the incident occurred;
- c. A detailed description of the incident, including events leading up to the incident and how the incident ended;
- d. Names and job titles of employees involved;
- e. Name or other identifier of other individual(s) involved;
- f. Nature and extent of injuries arising from the incident; and
- g. Names of witnesses.
- h. Designation as a workplace violence incident

If the case is a privacy concern case, the name of the employee who was the victim of the workplace violence should be removed from the Workplace Violence Incident Report or other documentation before sharing with anyone except for the Commissioner of the Department of Labor and replaced with "PRIVACY CONCERN CASE" in the space normally used for the employee's name. Privacy concern cases include cases involving:

- a. Injury or illness to an intimate body part or the reproductive system
- b. Injury or illness resulting from a sexual assault
- c. Mental illness
- d. HIV infection
- e. Needle stick injuries and cuts from sharp objects that are or may be contaminated with another person's blood or other potentially infectious material
- f. Other injuries or illnesses, if the employee independently and voluntarily requests that his or her name not be entered on the report.

The Workplace Violence Committee, with the participation of the authorized employee representative(s), must conduct a review of the Campus Workplace Violence Incident

Reports at least annually to identify trends in the types of incidents in the workplace and review the effectiveness of the mitigating actions taken.

9. Confidentiality of Certain Information

Nothing in this Program requires the disclosure to any person or entity, other than to the Commissioner of the Department of Labor as directed by the New York State Labor Law, of information otherwise kept confidential for security reasons, such as information that if disclosed may:

- a. Interfere with law enforcement investigations or judicial proceedings;
- b. Deprive a person of the right to a fair trial or impartial adjudication;
- c. Identify a confidential source or disclose confidential information relating to a criminal investigation;
- d. Reveal criminal investigative techniques or procedures, except routine techniques and procedures; or
- e. Endanger the life or safety of any person.

10. Employee Reporting of Workplace Violence Prevention Concerns or Incidents

Any employee or authorized employee representative who believes that a serious violation of the College's Workplace Violence Prevention Program exists or that a workplace violence imminent danger exists, shall bring such matter to the attention of a supervisor in the form of a written notice and afford the College a reasonable opportunity to correct such activity, policy or practice.

- a. Concerns involving the threat of imminent danger should be immediately brought to the attention of the College's Department of Public Safety. Written notice shall not be required where an imminent danger exists.
- b. Concerns relating to concerns of other types of incidents should be reported to the Department of Public Safety as detailed in Section 7, above.
- c. Concerns related to violations of the Workplace Violence Prevention or Program, the New York Labor Law Sections 27-a and 27-b, or 12 NYCRR Part 800.6 should be brought to the attention of the Chair of the Workplace Violence Committee.
- d. If a matter has been brought to the proper College authority and the College has had a reasonable opportunity to correct the activity, policy or practice, the matter has not been resolved, and an employee or authorized employee representative still believes that serious violation of the program remains, the employee or authorized employee representative may request an inspection by notifying the Commissioner of Labor of the alleged violation. This notice to the Commissioner must be in writing and shall set forth with reasonable particularity the grounds for the notice and shall be signed by the employee or authorized employee representative in compliance with New York State Labor Law Section 27(b) and its implementing regulations.

11. Retaliation

No employee is subject to criticism, reprisal, retaliation or disciplinary action by the College for good faith reporting pursuant to the Program. Individuals who make false and malicious complaints of workplace violence, as opposed to complaints that, even if erroneous, are made in good faith, may be subject to disciplinary or other appropriate action.

12. Recordkeeping

All recordkeeping and reporting shall be made in compliance with the applicable law and regulation (currently New York Labor Law Sections 27-a and 27-b and 12 NYCRR Part 800.6) and the Policy and Program.

13. Program Effectiveness and Evaluation/Post-Incident Response

At least annually or after serious incidents, the Workplace Violence Committee, including the participation of the Authorized Employee Representatives, shall evaluate the effectiveness of the Workplace Violence Prevention Program, including post-incident responses and evaluation processes. The review shall focus on incident trends and the effectiveness of the control measures taken by the College. The review shall also assess whether the reporting and recordkeeping systems are effective in collecting relevant information.

14. Program Access

Access to the Workplace Violence Prevention Program is provided online through the Public Safety website or by request in the Human Resources and Public Safety offices. Appendix B, the Report of the Risk Assessment and Evaluation contains sensitive information and is available by request in the Public Safety and Human Resources offices.

APPENDIX A - Workplace Violence Committee Members

Fred Aliberti (Chair)

Director of Public Safety

Kari Benn (EOC Alliance Representative)

Instructor, EOC

Ingrid Blydenburgh

Nurse Practitioner, Health Services

Jennifer Boulerice (NTPA Representative)

Environmental Health and Safety Technician

Terrance Buchanan (UPSEU Representative)

Security Officer, Public Safety

Clement Campana

Operations Assistant, Office of Human Resources

DeAnne Martocci

Director, Center for Access and Assistive Technology

Greg Sausville (Faculty Association Representative)

Assistant Professor, History, Philosophy and Social Sciences

Peter Schaefer (Department Chairpersons Association Representative)

Department Chair, Chemistry, Biology, Physics

Melissa Thomas

Associate Coordinator Business Services, EOC

Laurie Vivekanand

Director, Environmental Health and Safety

Sherri Wait (NIEU Representative)

Program Assistant Academics III, Business, Eng and Ind Tech

APPENDIX B – Report of Workplace Risk Evaluation and Determination

The Report of the Workplace Risk Evaluation and Determination is available by request in the Public Safety and Human Resources offices. Due to sensitive material, it is not included with the online version of this program. Please contact one of the following for access:

Department of Public Safety
Siek Campus Center Suite 170
518-629-7210

Human Resources Department
Administration Building Suite 140
518-629-4552